



RESTRAINING ORDER

A Self-Help Guide:

How to make an application for a restraining order

This guide is not legal advice. If you have questions or need advice about your case, you should speak to a lawyer.

If you do not have a lawyer, you may contact the Lawyer Referral Service operated by the Law Society of Upper Canada. The Lawyer Referral Service will provide the name of a lawyer in your area who practices family law. This lawyer will provide a half-hour consultation for free. There is usually a \$6 charge to use this service but if you are experiencing violence, you should call (416) 947-3330 in the Toronto calling area, or toll-free (800) 268-8326 from elsewhere in Ontario, and the charge will be waived. You must identify yourself as a victim of domestic violence otherwise a charge of \$6 may be added to your phone bill.

If you cannot afford a lawyer, you may be able to get legal aid. You can contact the nearest Legal Aid Ontario office to see if you are eligible. The telephone number of the Legal Aid office in your area is listed in your telephone directory. If you cannot find the phone number, Legal Aid Ontario's toll-free line is 1-800-668-8258. To learn more about Legal Aid Ontario, you may wish to visit their website at www.legalaid.on.ca.

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INTRODUCTION

This guide is intended to assist people who are experiencing violence in their families to apply for a restraining order through the family court. This guide is for everyone who is applying for a restraining order but especially for those who do not have a lawyer.

1. What is a restraining order?

If you are fearful that your spouse or partner or your former spouse or partner will hurt you or your children, you can ask the court to make a restraining order. A restraining order is made by a judge at the family court to help protect you and your child(ren) or the child(ren) in your custody.

A restraining order will list conditions that the person you are afraid of must obey. The restraining order can be general - that the person you are afraid of has to stay away from you - or it can be specific. It can say that the person must not come to your home, to your place of work, to your children's school or to other places where you often go (for example, your place of worship or your parent's home).

If the person who has a restraining order against them disobeys a restraining order, the police can arrest them.

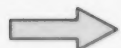
2. Who can apply for a restraining order?

You can apply for a restraining order at the family court:

- If you fear your former partner and were married or lived together for any period of time. This includes a same-sex partner; and/or
- To protect yourself and any children who are in your custody.

You do not need to have children with a person in order to apply for a restraining order against that person. But you should be aware that you cannot apply for a restraining order against a person you are dating but have not lived with.

Calling the police may be one option to keep you and your children safe. Criminal charges laid by police provide protections available under the bail system that restraining orders do not. Restraining orders are intended to prevent contact by an abusive partner, but they cannot guarantee that an abuser will not break the law. Even if you have a restraining order, you should develop a safety plan, and there are resources in the community to help you do that. See the Resources section at the end of this guide for more information.



You may have concerns about calling the police. For example you may lack legal status in Canada or there may be an outstanding warrant for your arrest. Both of these issues are complicated and beyond the scope of this guide. However, there are resources that can help. Turn to the Resources section at the end of this guide for referrals to services and publications.

3. Do I need a lawyer to ask for a restraining order?

You do not need a lawyer to apply for a restraining order. However, having a lawyer to help you is a good idea. Hiring a lawyer is especially important if your case has complicating factors such as immigration issues. If you would like to get a lawyer but can't afford one or can't find one, see the information provided on the front of this guide.

Visit a Family Law Information Centre (FLIC) at your local family court. Court staff at a FLIC can help you to understand the family court process, provide you with family court forms and explain how to get a lawyer. An Advice Lawyer from Legal Aid Ontario is also available at the FLIC at certain times. The Advice Lawyer can provide you with general information (free of charge) or, in some circumstances, may be able to give you legal advice specific to your case. For contact information for FLICs, go to the Resources section at the end of this guide.

APPLYING FOR A RESTRAINING ORDER AT FAMILY COURT

1. How do I apply for a restraining order?

To apply for a restraining order, you take the following steps.

- Step 1:** Find out which court house you should go to, to apply for a restraining order.
- Step 2:** Decide what decisions you need from the court and if any of them are urgent.
- Step 3:** Complete the application form to start your case
- Step 4:** If you need an urgent order, complete and file motion materials with your application.
- Step 5:** If you don't have a lawyer, ask to have the documents served on (given to) the other person (except if you are proceeding without notice, see page 6).
- Step 6:** File proof at the family court counter that the documents have been served (except if you are proceeding without notice, see page 6). If you are not asking for an urgent order, you will proceed directly to step 10.
- Step 7:** File the "Confirmation" form to say that you will be in court on the date of the hearing (except if you are proceeding without notice, see page 6).
- Step 8:** Be in court on your court date to explain your case.
- Step 9:** If the judge has made the restraining order, ask family court staff for a copy of the restraining order.
- Step 10:** Go to court if necessary to obtain a final order about all of the issues in your case.

The *Family Law Rules* are the court rules that set out the procedure that parties in a family court case must follow. The rules and *Family Law Rules* forms are on the Ministry of the Attorney General's website at www.attorneygeneral.jus.gov.on.ca. Click on "Family Justice" and scroll down to find Family Law Rules or Family Law Rules Forms.

Step 1: Find out which court house you should go to, to apply for the restraining order.

You can apply for a restraining order by filing certain documents at a family court.

You should go to:

- The family court house in the municipality where you or the other person lives; or

- If you fear for the safety of your children or children in your custody, go to a family court in the municipality where the child(ren) ordinarily live.

To assist you in finding the correct court, visit the following link to the Ministry of the Attorney General's website at www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/. You can also look in the blue pages of your telephone directory under "Courts" and find the address and telephone number of the family court you need to go to. You can also call the Victim Support Line toll-free at 1-888-579-2888 or 416-314-2447 in the Toronto area.

When you go to the family court, visit the Family Law Information Centre (FLIC). Court staff at a FLIC can help you to understand the family court process, provide you with family court forms and explain how to get a lawyer. An Advice Lawyer from Legal Aid Ontario is also available at the FLIC at certain times. The Advice Lawyer can provide you with general information (free of charge) or, in some circumstances, may be able to give you legal advice specific to your case. For contact information for FLICs, go to the [Resources](#) section at the end of this guide.

Step 2: Decide what decisions you need from the court and if any of them are urgent.

If you have not already started a case in the family court, you will need to file an application. This form starts the court process. The application form sets out all of the issues that you are asking the court to deal with. Your case may involve only a restraining order. Or it could involve a restraining order and something else, such as custody or child support.

Once you file an application there are certain steps in the court process that you and the other person must follow. Normally, it will be a few weeks before you see a judge for the next step in your case. In most cases, you will be required to go to a case conference before you can ask the court for an order. If, however, your situation is *urgent* you can bring a motion to get a restraining order right away.

The *Family Law Rules* do not define the term "urgent". However, cases that have been decided by the courts have shown that there must be "dire circumstances" before the court will deal with a request for a restraining order on an urgent basis. You must provide clear evidence in your affidavit to show why your situation must be dealt with right away. The judge will decide whether your motion for a restraining order will be dealt with on an urgent basis.

A *motion* is a step in a case where you ask a judge to decide issues on a *temporary* basis. For example you may be seeking child support or custody but also need a restraining order right away.

Urgent Motion **Without Notice**

A motion without notice to the other person may be made for an urgent restraining order if it is not possible to give a copy of the motion documents to the other person. For example, it may not be possible to give the other person notice if:

- You do not know where the other person can be found;
- There is an immediate danger that your children will be taken out of Ontario or that you or your children will be harmed; or
- Providing notice in advance would probably have serious consequences.

These motions are sometimes referred to as "*ex parte*" motions.

Making a motion without notice means that the other person will not know that you are asking the court for a restraining order and they will not be in court to tell their side of the story on the motion date.

If you bring a motion without notice, the other person will find out about it if a temporary restraining order is granted. The other person must be served with a copy of the order and your motion documents after the order is made. Ask staff at the family court office to arrange to have your documents served. This is a free service. If you have a lawyer, your lawyer will serve the documents for you. If a temporary restraining order is granted, you and the other person will have to come back to court so that the other person can tell their side of the story.

Urgent Motion **With Notice**

If you are asking the court to make a restraining order right away, you are asking the court to consider your request for a restraining order before you take the next step in your case. In your motion materials you will need to tell the judge what the urgency or hardship is (that is, the reason that you cannot wait several weeks to get the restraining order). The motion materials must be served (given) to the other person so that they are aware that you are bringing a motion. Ask staff at the family court office to arrange to have your documents served. This is a free service. If you have a lawyer, your lawyer will serve the documents for you.

The judge may decide that the situation was not urgent and could order you to pay the "costs" of the other person. "Costs" may include the costs involved with the case, including legal fees. If you do not have a lawyer, you can ask to speak to the advice lawyer at the family court house to discuss whether the situation is urgent.

You can also find other community services to support you through this process. Try calling the shelter in your community. A shelter can provide support for you and your children, even if you are not living there. Contact www.shelternet.ca to find a shelter near you. You can also contact Ontario's Victim Support Line (VSL) which is a province-wide, bilingual, toll-free information line that provides a range of services to victims of crime, including referrals to community agencies for counselling and emotional support. The phone number for the VSL is 1-888-579-2888 or 416-314-2447. There may also be services for your cultural community that may be of assistance. For example if you are a First Nations person, you may consider getting help from a Native Court Worker. Contact the Ontario Federation of Indian Friendship Centres at <http://www.ofifc.org/ofifchome/page/programs/index.htm> or 416-956-7575.

Step 3: Complete the application form to start your case.

To start an application for a restraining order, you will need to complete:

- a) Form 8: Application (General)
- b) a Canadian Police Information Centre (CPIC) Restraining Order Information Form, which is only available at the family court counter.

a) How do I complete an Application?

The information that you write on the application form tells the judge what you are asking for. Your application may ask for a restraining order only, or you can make other claims such as custody or child support.

You must provide an address on the application and other documents filed with the court. You should be aware that the person you are afraid of will receive a copy of these papers. If you don't want to use your own address, you can use another address. Just be sure that you can receive mail at this address. Be aware that you can't use a post office box because you need to be served with court documents.

If the person that you are seeking the restraining order against is also known by another name (an alias), then indicate the name that the person is commonly known as, include this name or any nicknames the person may have, in the section entitled "Full Legal Name", after the person's address. Make sure to indicate that they are aliases.

On the last page of the application form, you will need to show why the judge should include each term you have requested in the restraining order. For example, you may have asked the judge to order the other person to stay a certain distance away from specific places. For help in filling this out, you can consult the Restraining Order Tips Sheet at the end of this section. The Restraining Order Tips Sheet explains the limits you can ask the court to place on this person and other terms you may want to ask the judge to include. If the terms listed do not cover your situation properly, you can ask the judge to include other terms.

Be sure to include the reasons why you want this person kept away from these places. Or, you could ask that the other person not call you between certain hours and explain why. The judge will decide whether or not all the terms that you have requested will be part of the restraining order.

When you have completed the application, take it to the family court counter to be signed and dated by the clerk. Depending on the court you are in, court staff will provide you with a first court date.

Be sure to follow the instructions that appear on the application form. For more information about starting an application, refer to A Guide to Procedures, Part 2: Applications. The guide is available at the family court office or on the Ministry of the Attorney General's website at <http://www.attorneygeneral.jus.gov.on.ca/english/family/guides-to-procedures>.

b) Completing a Canadian Police Information Centre Restraining Order Information Form

Family court staff will ask you to complete a Canadian Police Information Centre (CPIC) Restraining Order Information Form when you apply for a restraining order. If a restraining order is granted, this form is sent to the police, to show that a judge has ordered the restrained person to stay away from you and/or your children. A copy of the restraining order is also sent to the police with the CPIC form.

This form will ask for information about the person you are seeking the restraining order against, including their name. If the person is commonly known by another name that is not their legal name (i.e. an alias) or is commonly known by a nickname, indicate these other names on the CPIC form. This will help the police know that they have the right person if the person gets arrested.

Step 4: If you need an urgent order, complete and file motion materials with the application.

If you are making a motion for an urgent order, you will need to complete the following forms as well as the application:

- a) Form 14: Notice of Motion
- b) Form 14A: Affidavit (General)
- c) a CPIC Restraining Order Information Form, which is only available at the family court counter
- d) Form 14C: Confirmation (not required for a motion without notice) – see Step 7.

a) How do I complete Form 14: Notice of Motion?

On the notice of motion you will tell the court what you are asking for. Staff at the family court office will give you a date for the motion to be heard.

On the form, there is a space for you to write the details of the restraining order you want the judge to make and why a temporary restraining order is needed. For help in filling this out,

you can consult the Restraining Order Tips Sheet at the end of this section. If the terms listed do not cover your situation properly, you can ask the judge to include other terms.

b) How do I complete Form 14A: Affidavit (General)?

The affidavit form is where you tell the court why you have reasonable grounds to fear for your safety and/or for the safety of your children.

In the affidavit you should set out the information that the judge will need to know about you and the person you are afraid of, including:

- The relationship between you and the other person (whether you are married, living together, separated or divorced);
- Whether you and the other person have children together and where the children are living;
- Any abuse that you and/or the children have experienced; and
- Why you are afraid for your safety and/or for the safety of your children.

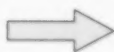
Be detailed in your explanation of why you are afraid of this person. If you can, include the following:

- Has the person made threats against you and/or the children?
- If the person has hurt you and/or the children, explain exactly how it happened;
- Are you afraid that the violence will happen again?
- Is there a history of violence or abuse?
- If there is a history of violence or abuse, is it getting worse?
- Has the person hurt or threatened others?

You should also explain why you want the judge to include the terms you have included in your notice of motion. For example, you may have asked the judge to order the other person to stay a certain distance away from specific places. In your affidavit, be sure to include the reasons why you want this person to be kept away from these places. The judge will decide whether or not all the terms that you have requested will be part of the temporary restraining order.

Try to include only facts that you know from your own experience. If you need to include information given by a friend, family member or someone else, you should name the person who gave you the information and state that you believe it to be true. Here is an example:

The responding party's employer, John Doe, told me that the responding party started work at ABC Ltd. in November 2008. I believe this information to be true.



Keep in mind that the person you are seeking the restraining order against will read your affidavit.

You must swear or affirm that the affidavit is true in front of a person who is a commissioner for taking affidavits. If you need help finding a commissioner for taking affidavits, staff at the family court house may be able to help.



Remember, it is a criminal offence to swear a false or misleading affidavit. It is your responsibility to make sure that the information in your affidavit is correct.

For more information about making a motion, refer to A Guide to Procedures, Section 5: Motions. The guide is available at the family court office or on the Ministry of the Attorney General's website at <http://www.attorneygeneral.jus.gov.on.ca/english/family/guides-to-procedures>.

c) Completing the CPIC Restraining Order Information Form

Family court staff will ask you to complete a Canadian Police Information Centre (CPIC) Restraining Order Information Form when you file your notice of motion. If a temporary restraining order is granted, this form is sent to the police, to show that a judge has ordered the restrained person to stay away from you and/or your children. A copy of the restraining order is also sent to the police with the CPIC form.

Step 5: If you don't have a lawyer, ask to have the documents served on (given to) the other person.

A copy of all your court documents and any order made on a motion without notice must be served on (given to) the other person, along with a blank Form 10: Answer when they are served with an application. The other person will complete Form 10 to tell their side of the story. The court will keep the original documents. Be sure to keep a copy for yourself.

If you do not have a lawyer, ask staff at the family court office to arrange to have your documents served. This is a free service. If you have a lawyer, your lawyer will serve the documents for you.

It is important to develop a safety plan, and there are resources in the community to help you do that. See the Resources section at the end of this guide for more information.

a) What happens if the person I am supposed to serve can't be found?

If the person you are trying to serve can't be found or is trying to avoid being served, you can ask the court for an order for "substituted service". This means that you (or the person serving the documents) can leave the documents with another person (for example, the other person's parent) to bring to the person's attention. Or, the court may order that the person be served by placing an advertisement in the local newspaper.

Step 6: File proof at the family court counter that the documents have been served.

Whoever serves the documents must complete Form 6B: Affidavit of Service. This is proof to the court that the documents have been served on the other person. If the court arranges service for you, the court will also take care of this step free of charge.

a) What happens when the other person receives the documents?

When the other person is served with an application, they may set out their response to the application in Form 10: Answer and file it with the court. In an answer, the other person can also ask the judge to make other orders in the case. The other person must serve you or your lawyer with a copy of their answer.

If there is a "first court date" on the application or on the hearing date set out on a notice of motion, the judge will expect you and the other person to be in court on that date. The date and time for your court date is set by the court.

If there is no first court date on the application, you or the other person must ask staff at the family court office for a case conference date. Ask your lawyer, the advice lawyer at the Family Law Information Centre or family court office staff about when a case conference, or an uncontested trial if no answer is filed, can be scheduled.

If at any time in this process you need an urgent order from the court, you can get an earlier date to go to court. See steps 3, 4 and 5 in the flowchart on page 3 for guidance.

If the other person is served with a copy of a temporary restraining order and motion documents filed on a motion without notice, the judge will expect you and the other person to be in court on the court date set out in the order.

If you are not asking for an urgent order, you will proceed directly to step 10.

Step 7: File the "Confirmation" form to say that you will be in court on the date of the hearing.

Be sure to follow the instruction in the "Note to Person Making the Motion" that appears at the end of the notice of motion. To complete this step you will need Form 14C: Confirmation. This confirms with the court that you will be attending court on the date and time of the hearing. If you do not file the confirmation, the court date may no longer be available for you.

If you are not proceeding on an urgent basis, you will need to either attend a first court date or a case conference as your first step, depending on which court you're in. Case conferences also require that a Form 14C: Confirmation be filed. Follow the steps set out in the flowchart on page 3 and the Guides to Procedure at <http://www.attorneygeneral.jus.gov.on.ca/english/family/guides-to-procedures>.

Step 8: Be in court on your court date to explain your case.

It is important to go to court on your court date. When your application or motion is heard, the judge will consider what you and the other person have written in your court documents and what you are asked to tell the court. The judge will make a decision based on the evidence. You will be called in to the courtroom to speak with the judge.

If you do not have a lawyer, it is a good idea to speak with duty counsel when you get to the court. Duty counsel are lawyers who are paid by Legal Aid Ontario to help people in family court. You may have to provide the duty counsel with some information to verify that you cannot afford to pay for a lawyer. See the Resources section at the end of this guide for more information.

If your motion was made without notice to the other person, the judge will have to decide whether to grant a temporary restraining order without hearing from the other person. If an order is granted, the judge will ask you both to come to court so that the other person can tell their side of the story. At that time, the judge will decide whether to continue the order.

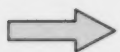
A restraining order made on a motion is usually temporary¹. The order may expire on a certain date or the order may include a date for the court to review its terms. At that time the judge might decide to continue the temporary order, make it final or let it end.

a) Will a judge always grant a restraining order?

In some cases, the judge will not be able to grant a restraining order based on the evidence presented. Whether or not the judge grants a restraining order, it is important to protect the safety of yourself and your children. For a list of legal and crisis services or help with developing a safety plan, go to the Resources section at the end of this guide.

Step 9: If the judge has made the restraining order, ask family court staff for a copy of the restraining order.

If the judge grants the restraining order, family court staff will prepare the order for you. They will do so even if you have a lawyer. You should not leave the court house until you receive a copy of the restraining order. Tell the staff at the family court counter that a restraining order was granted and you are waiting for a copy.



Court staff will provide two certified copies of the restraining order at the time it is made, free of charge. However, if you lose your copies and need new copies, you will be asked to pay \$1 per page for a copy or \$3.50 per page for a certified (official) copy.

¹ In most cases, the parties to an application started at the family court have 365 days to complete that case. If a judge has not extended the timeline, the case will be dismissed automatically. This means that any temporary orders, including a restraining order, will end if the case is not completed. If you have a lawyer, your lawyer will be monitoring the timeline for you. If you do not have a lawyer and the timeline is about to expire, speak to the advice lawyer at the Family Law Information Centre at your local family court.

The restraining order that you receive on a motion will depend on whether you brought the motion with or without notice:

- If you brought a motion *with* notice, staff will prepare Form 25F: Restraining Order.
- If you brought a motion *without* notice, staff will prepare Form 25G: Restraining Order on Motion without Notice.

You can see samples of both orders at the end of this section of the guide.

If the order was made without notice, you will have to serve or arrange to have served the Application, temporary restraining order and any other materials on the other person and return to court as directed for further order. If you do not have a lawyer, ask staff at the family court office to arrange to have your documents served on the other person. This is a free service. If you have a lawyer, your lawyer will serve the documents for you.

You should keep a copy of the restraining order with you at all times. If you have children who are also protected by the restraining order, it is a good idea to give a copy of the order to the children's school or daycare. A copy could be useful if the person restrained disobeys any of the terms of the restraining order and the police are called. You, the school or the daycare staff could then show the police a copy of the restraining order. This will help the police decide if the person being restrained should be arrested.

Even if a judge makes a restraining order, it is important to also develop a safety plan to protect the safety of yourself and your children. For a list of legal and crisis services or help with developing a safety plan, go to the Resources section at the end of this guide.

Step 10: Go to court as necessary to obtain a final order about all of the issues in your case.

If the order you have obtained is temporary, you will have to go back to court to ask for a final restraining order and a final order regarding any other claims that you've made in your family case. To do that, you will have to follow the steps in a family case. For example, you will have to go to at least one case conference, a settlement conference and a trial. For more information about these steps, please see the Ministry's Guides to Procedure, available online at <http://www.attorneygeneral.jus.gov.on.ca/english/family/guides-to-procedures>.

How to Apply for a Restraining Order

Ongoing safety planning is important at all stages of this process. See the Resources section of this guide for more information.

Step 1

Find out which court to go to to apply for a restraining order (RO)

Step 2

Decide what you need from the court and if some or all of it is urgent*

*In many cases, only some of what you are asking for will be urgent. In those cases, you may follow the urgent process to obtain a temporary order for those claims only, and any remaining claims will be addressed at a case conference and throughout the remainder of the process.

Urgent

Determine whether or not you are proceeding with or without notice

Without notice

Steps 3 and 4
Prepare and file application and motion materials

Step 8
Go to hearing of motion

Temporary Restraining Order not granted

Step 9
Temporary Restraining Order granted
-Court staff will prepare RO and send copy to police
-Ask family court staff for a copy of RO

Arrange service of application, motion materials and RO on other person

Return to court for further hearing

With notice

Steps 3 and 4
Prepare and file application and motion materials

Steps 5 and 6
Arrange service of materials and file proof at family court counter

Step 7
File confirmation form to tell the court that you will be in court on the day of the hearing

Step 8
Go to hearing of motion

Step 9
Temporary Order granted/not granted
-If RO granted, ask family court staff for a copy

Not urgent

Steps 3 and 4
Prepare and file application

Steps 5 and 6
Arrange service of materials and file proof at family court counter

You can ask staff at the family court office to arrange to have your documents served and file proof of service. This is a free service. If you have a lawyer, your lawyer will do this for you.

Step 10

-Proceed with court process to obtain final order. For more detailed information about these steps, please see the Ministry's Guides to Procedure, available online at www.attorneygeneral.jus.gov.on.ca/english/family/

AFTER THE RESTRAINING ORDER IS MADE

1. What will happen to the person being restrained?

The person restrained must obey the terms of the order, as soon as it comes to their attention. He or she will find out about the order because they were in court to hear the judge make the order or because they were served with a copy of the order.

Breaching (disobeying) a restraining order is a criminal offence and, if the person restrained is found guilty, he or she could go to jail. If you think the person restrained has disobeyed the order, you should call the police.

2. I have a restraining order but I need to ask for different terms. How do I change my restraining order?

If you have a final restraining order and you and the other person agree to the change, you will need to complete and file the following forms:

- Form 15A: Change Information Form
- Form 15C: Consent Motion to Change
- Form 14B: Motion Form.

If you and the other person do not agree to change the restraining order, you will need to complete the following forms and have them served on the other person:

- Form 15: Motion to Change
- Form 15A: Change Information Form
- Blank Form 15B: Response to Motion to Change
- Blank Form 15C: Consent Motion to Change.

For more information about changing a restraining order, see Motion to Change a Final Family Court Order or a Support Agreement, A Self-Help Guide.

Safety planning is always important. If you are in contact with the person you are afraid of to talk about a change to the restraining order, be sure to have a safety plan in place. There are resources in the community to help you do that. See the Resources section at the end of this guide for more information.

It is a good idea to have the help of a lawyer if you are thinking about agreeing to change your restraining order. If you would like to find a lawyer, see the information provided on the front of this guide or in the Resources section at the end of this guide.

3. When will the restraining order end?

If your restraining order is a temporary order, it will end on the date set by the judge in the order or it may end when you and the other person return to court. When you return to court, the judge may continue the temporary order, make the order final or, if the other person opposes the restraining order and the judge agrees with their arguments, end the restraining order.

A temporary order may also end if your family law case has not been completed within 365 days and no other court date has been scheduled. This timeline is set by the *Family Law Rules*. If a judge has not extended the timeline, the case will be dismissed automatically. This means that any temporary orders, including a restraining order, will end if the case is not completed. If you have a lawyer, your lawyer will be monitoring the timeline for you. If you do not have a lawyer and the timeline is about to expire, speak to the Advice Lawyer at the Family Law Information Centre at your local family court.

If you have a final restraining order, it will end if the judge has included a termination date on the order.

When a restraining order ends, court staff will prepare Form 25H: Order Terminating Restraining Order. Court staff will provide you and the other person with a copy and they will send a copy to the police so that the police can delete the restraining order from CPIC.

Once a restraining order ends its terms will not apply to you or the other person and it can no longer be enforced by police.

RESTRAINING ORDER TIPS SHEET

This Restraining Order Tips Sheet is intended to assist you in drafting your application or notice of motion. Remember that in your notice of motion and affidavit, you must be sure to ask for the exact terms of the restraining order that you are asking the court to make. Your affidavit should give enough information to convince the court that these terms are necessary.

You should start by indicating the full legal name of the person to be restrained and the person's date of birth.

Depending on your circumstances, you may want to ask the court to order one or more of the following terms.

- A) **Non-communication with or without exceptions.** The person to be restrained shall not contact or communicate with persons protected by the order. Be sure to include the full legal name of person(s), including any children, to be protected by the order.

You may also list exceptions to the non-communication order. This will mean that there are situations when communication can occur. Be sure to specify the exceptions. For example, contact or communication does not occur except:

- Through another person or agency (be sure to insert the name of the agency) to arrange access to the children; and/or
- To permit access in accordance with the access order (be sure to insert the date of the order); and/or
- Through or in the presence of a lawyer (be sure to insert whether it is your lawyer, the lawyer for the person restrained or both).

Example:

"I need an order that my spouse JD not contact or communicate with me by telephone between the hours of 7:00 p.m. and 8:00 a.m. Since we have separated JD calls about 4-5 times each night asking me to reconcile and becoming increasingly angry when I will not agree to a meeting. During this time period the children are sleeping and become very scared when the telephone repeatedly wakes them up. The calls also upset and frighten me and leave me less able to respond to the children when they wake up".

- B) **Stay away with or without exceptions.** The person to be restrained shall not come within a certain distance (in meters, feet or yards) of particular locations. You may also list conditions under which contact can be made. Be sure to include the specific location and/or address including street number, town/city, and the conditions.

Example:

"I need an order that my spouse JD stay away 500 metres from my children's daycare centre at 123 Main Street, Anytown, Ontario, because in the past few weeks JD has waited outside the centre and then approached me when I returned to my car after dropping off the children. During this contact JD has threatened to kill me if I did not agree to share custody of the children"

- C) **Other.** Specify if there are other terms that you would like the judge to include in the restraining order. These will usually be terms that are specific to your situation.



ONTARIO

Court File Number

(Name of court)

at

Court office address

Form 25F: Restraining Order

☐ Temporary ☐ Final

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Judge
(print or type name)

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Date of order

THIS COURT ORDERS THAT:

1. _____, born _____, shall not

(Court staff to insert here relevant clauses as ordered by judge in Endorsement.)

2. This restraining order is effective _____
3. This restraining order shall remain in effect until _____

☐ A separate order with additional terms relating to this family case was also made on this date.

In support of this order,

this court heard a _____ made by the _____ for a restraining order under

The _____ was made with notice to _____

The following persons were in court (list names of parties and lawyers in court)

The court read the following materials filed in support of a request for this order

The court heard submissions in support of a request for this order from

Date of signature

Signature of judge or clerk of the court

Note: This order will be registered against the person being restrained on the Canadian Police Information Centre (CPIC) Database. Disobeying this order is a criminal offence punishable by fine or imprisonment. Any police or peace officer with jurisdiction over the place where the order was disobeyed may arrest the person being restrained without a warrant in accordance with section 495 of the *Criminal Code of Canada*.

SAMPLE



Court File Number

_____ (Name of court)
 at _____
 Court office address

**Form 25G: Restraining Order
 on Motion without Notice**

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Judge
 (print or type name)

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Date of order

THIS COURT ORDERS THAT:

1. _____, born _____, shall not

(Court staff to insert here relevant clauses as ordered by judge in Endorsement.)

2. This restraining order is effective
3. This restraining order shall remain in effect until
4. This matter is adjourned to (date and time) to review this restraining order.
5. A copy of this order together with the notice of motion, dated _____, and affidavit of _____, sworn/affirmed on _____ shall be served immediately on (insert full legal name of person restrained by this order) by (specify type of service)

☐ A separate order with additional terms relating to this family case was also made on this date.

In support of this order,

This court heard a motion made by the

for a restraining order under

The motion was made without notice to

The following persons were in court (*list names of parties and lawyers in court*)

The court read the following materials filed in support of a request for this order

The court heard submissions in support of a request for this order from

Date of signature

Signature of judge or clerk of the court

NOTICE TO (*name*)

If you want to oppose this motion or to give your own views, you must serve an Affidavit (general) (Form 14A). If you think the court should make a different order, you must serve an Affidavit (general) (Form 14A) and a Notice of Motion (Form 14). In either case, you must serve these materials on the other party and file the materials together with proof of service at the court office on or before 2 p.m. on (*insert date*). If you do not have a lawyer, you should ask the court office about serving the documents for you.

Note: This order will be registered against the person being restrained on the Canadian Police Information Centre (CPIC) Database. Disobeying this order is a criminal offence punishable by fine or imprisonment. Any police or peace officer with jurisdiction over the place where the order was disobeyed may arrest the person being restrained without a warrant in accordance with section 495 of the Criminal Code of Canada.

ONTARIO

Court File Number

SEAL

(Name of court)

**Form 25H: Order
Terminating Restraining
Order, dated**

at _____
Court office address

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Judge
(print or type name)

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Date of order

THIS COURT ORDERS THAT:

The restraining order made by
1. Justice

on _____, shall be terminated, effective

In support of this order,

the following persons were in court (names of parties and lawyers in court)

The court read the following materials filed in support of a request for this order

The court heard submissions in support of a request for this order from

Date of signature

Signature of judge or clerk of the court

Note: This order will be sent to police services to advise them to remove the terminated restraining order from the Canadian Police Information Centre (CPIC) Database.

RESOURCES

1. GENERAL RESOURCES

General Information

Ontario Women's Directorate

The Ontario Women's Directorate provides legal resources that focus on the prevention of violence against women. Visit the directorate's website at:

- www.citizenship.gov.on.ca/cwd/english/ [English]
- www.citizenship.gov.on.ca/cwd/french/ [French]

METRAC – Metropolitan Action Committee on Violence Against Women and Children

METRAC is an organization dedicated to protecting women and children from domestic violence, and offers a variety of publications and programs to meet this mandate. The METRAC website provides a selection of free on-line violence prevention resources that may be of assistance to domestic abuse victims province-wide. These resources can be found on the METRAC website at: www.metrac.org/programs/info/prevent.htm. METRAC can also be reached by telephone at 1-877-558-5570

SupportLink

Through the SupportLink program, victims at risk of domestic violence, sexual assault and stalking receive help developing a personal safety plan, information and referral to community services, follow-up contact, and, where appropriate, a cell phone pre-programmed to dial 911. To see if SupportLink is available in your area, please refer the Ministry of the Attorney General's website at www.attorneygeneral.jus.gov.on.ca/english/about/vw/supportlink.asp.

Victim Crisis Assistance & Referral Services (VCARS)

The Victim Crisis Assistance & Referral Services (VCARS) program provides immediate, on-site service to victims of crime. In partnership with the VCARS, police will bring in a team of trained volunteers, on consent of the victim, to provide on-site assistance and make referrals to community agencies for long-term assistance. You can call the Victim Support Line toll-free at 1-888-579-2888 or 416-314-2447 in the Toronto area, 24 hours a day, seven days a week.

Springtide Resources

The Springtide Resources website was designed to raise public awareness on issues relating to violence against women, and is committed to providing accessible education. The Springtide Resources website offers an extensive catalogue of publications relating to domestic abuse. The catalogue can be found at www.springtideresources.org/resources/publications.cfm.

Help Lines

Assaulted Women's Help Line

The Assaulted Women's Help Line is a toll-free crisis telephone service operating province-wide, 24 hours a day, seven days a week. Trained counsellors can help you determine your options. The website can also be visited at www.awhl.org. Interpreters in 154 languages are available to respond to callers. Phone 1-866-863-0511 or 416-863-0511 in the Toronto area. TTY is available by calling 1-866-863-7868.

Femaide

Femaide is a province-wide crisis line for Francophone women, 16 years of age and over. This line can be reached toll-free at 1-877-336-2433, and it operates 24 hours a day, seven days a week. TTY is available by calling 1-866-860-7082. The Femaide website can be visited at www.oasisfemmes.org.

Victim Support Line (VSL)

The Victim Support Line (VSL) is a province-wide, multilingual, toll-free information line providing a range of services to victims of crime. You can call the Victim Support Line toll-free at 1-888-579-2888 or 416-314-2447 in the Toronto area. The VSL offers information and referral to support services in your community and pre-recorded information about the criminal justice system. Services are offered in 13 languages, including Arabic, English, French, Italian, Spanish, Chinese (Cantonese, Mandarin and Taishan), Filipino, Hindi, Kinyarwanda, Punjabi, Rundi, Swahili and Urdu.

Shelters and Crisis Centers

Shelternet

The Shelternet website at www.shelternet.ca provides information on shelters for abused women across Canada. The website also provides general information and resources for women experiencing violence, and is produced in 10 languages (English, French, Spanish, Portuguese, Polish, Chinese, Vietnamese, Arabic, Farsi and Punjabi).

Ontario Network of Sexual Assault/Domestic Violence Treatment Centres

The Ontario Network of Sexual Assault/Domestic Violence Treatment Centres provides support to 35 hospital-based sexual assault and domestic violence treatment centres across Ontario. These centres provide care to women, children and men who have experienced sexual or domestic abuse. Services include emergency medical care, crisis intervention, forensic evidence collection and counselling. To find the contact information of a sexual assault/domestic violence treatment centre in your area, please visit www.satcontario.com/en/locate_centre.php.

Ontario Coalition of Rape Crisis Centres

The objective of the Ontario Coalition of Rape Crisis Centres is to work for the prevention and eradication of sexual assault, including rape. Their website may be found at: www.ocrcc.ca/index.html. To find the telephone number of a sexual assault and rape crisis center near you, see: www.ocrcc.ca/centres.html.

Safety Planning

A safety plan can help you make important decisions to keep yourself safe. It can also help you think about the things you will need in an emergency. For detailed information on safety planning, and on how to create a safety plan, see:

Shelternet

- www.shelternet.ca/en/women/making-a-safety-plan/
- www.shelternet.ca/fr/women/making-a-safety-plan/

CLEONet

- www.cleonet.ca/resources/973, which provides a Safety Planning Guideline.

Services for Cultural Communities

While all resources listed in this guide provide services to different cultural communities, the following organizations offer services to meet the needs of specific cultural communities.

Family Law Education for Women

The Family Law Education for Women website provides legal information intended to address the particular needs and vulnerabilities of women new to Canada (including immigrant, refugee and non-status women) and can be found at www.onefamilylaw.ca/en/familylawissues.

The Family Law Education for Women website also provides specialized family law materials targeted towards specific cultural community needs. Resources are available for Aboriginal women, Francophone women, immigrant domestic workers and caregivers, Jewish women, Muslim women, women of Christian faiths, women with disabilities and deaf women. The materials can also be ordered either online, or by telephone. To order by phone, call the Service Ontario Contact Centre at 416-326-5300 (Toronto) or 1-800-668-9938 (free across Canada). The website is produced in 11 languages, including English, French, Arabic, Chinese (traditional and simplified), Farsi, Punjabi, Somali, Spanish, Tamil and Urdu.

SALCO – South Asian Legal Clinic of Ontario

The South Asian Legal Clinic of Ontario (SALCO) provides both legal education and representation to low-income South Asians in manner that is both culturally and linguistically sensitive. The SALCO website can be found at www.salc.on.ca. SALCO can also be reached by telephone at 416-487-6371.

Ontario Federation of Indian Friendship Centres

The Ontario Federation of Indian Friendship Centres is an Aboriginal organization that represents 27 Friendship Centres province-wide. First Nations women who have experienced domestic violence can receive assistance from a Native Court Worker in their area. Contact the Ontario Federation of Indian Friendship Centres at <http://www.ofifc.org/ofifchome/page/programs/index.htm> or by telephone at 416-956-7575.

A specialized program of the Ontario Federation of Indian Friendship Centres is the Aboriginal Healing & Wellness Strategy. This organization provides referrals to shelters and other resources and services for Aboriginal communities. The website can be found at: www.ahwsontario.ca, and the organization can also be reached by telephone at 416-326-6905

DAWN Ontario – Disabled Women’s Network Ontario

DAWN Ontario is a community outreach program dedicated to advancing the equality rights of women living with disability. The DAWN website, which can be found at: <http://dawn.thot.net>, provides various educational and informational materials. Included in its online publications is a note entitled, “Family Violence Against Women with Disabilities”, which addresses the particular vulnerabilities that disabled women who have experienced violence face. This note can be accessed at: http://dawn.thot.net/violence_wwd.html.

Resources for Same-Sex Families

While all resources listed in this guide provide services to same-sex families, the following have specific services to meet the needs of same-sex couples.

CLEONet

CLEONet is an online resource project providing legal information intended to help in understanding legal rights. The website provides a series of brochures entitled “Loves Me, Loves Me Not”, which address the issue of abuse in gay, bisexual and lesbian relationships, as well as relationships involving transgendered people. The brochures are available at www.cleonet.ca/topics/41/109.

Springtide Resources

The Springtide Resources website offers an extensive catalogue of publications relating to domestic abuse, and is sensitive to the dynamic in a violent same-sex relationship. The website provides a handbook entitled, “Abuse in Same-Sex Relationships”, which can be found at www.springtideresources.org/resources/show.cfm?id=20.

Male-Focused Victim Services

While many of the resources listed in this guide provide services to men, the following service offers programs tailored specifically to men's needs.

The Men's Project

The Men's Project provides both individual and couple counselling to men and their families. The project also offers healing programs for men who have experienced abuse. The program is available to straight, gay and bisexual men. For more information, please visit the website at <http://themensproject.ca>, which is available in both English and French, or call the toll-free Crisis and Support Services line in Ontario at 1-877-677-6532.

2. LEGAL RESOURCES

Legal Services

Lawyer Referral Service

If you want to hire a lawyer, you can contact the Lawyer Referral Service operated by the Law Society of Upper Canada. The Lawyer Referral Service will provide the name of a lawyer who practices in the relevant legal area. This lawyer will consult with you for up to half an hour for free. The telephone number for the service is 1-900-565-4577. There is a fee of six dollars to use this service.

The Lawyer Referral Service also operates a separate crisis line for victims of domestic violence, callers who are under the age of 18, or anyone calling about a child protection issue. There is no fee for crisis line callers. To access this service, call 416-947-3330 in the Toronto calling area, or toll-free 800-268-8326 from elsewhere in Ontario.

Legal Aid Ontario

If you cannot afford a lawyer, you may be able to get legal aid. You can contact Legal Aid Ontario to see whether you qualify. Victims of domestic violence may be able to receive a legal aid certificate on an emergency basis. You can also visit the advice lawyer (provided by Legal Aid Ontario) at the Family Law Information Centre at your local family court. The Legal Aid Ontario website is available in both English and French, and provides information about domestic abuse at www.legalaid.on.ca/en/getting/domestic.asp. To find a legal aid office, community legal clinic, or student legal clinic near you, please visit www.legalaid.on.ca, or call toll-free at 1-800-668-8258.

Legal Information

Justice Ontario

Justice Ontario is the Ministry of the Attorney General's one-stop source for information about Ontario's justice system. You can also call Justice Ontario at 1-866-252-0104 for legal information in over 170 different languages. You can visit Justice Ontario online <http://www.attorneygeneral.jus.gov.on.ca/english/justice-ont/>.

Family Law Information Centres (FLICs)

Family Law Information Centres assist in meeting the individual needs of clients, particularly clients who are not represented by a lawyer and are entering the family court system for the first time. FLIC centres provide publications and guides to family procedures, including the publication "What You Should Know About Family Law in Ontario", which contains a section specific to domestic violence issues. This publication is available in English, French, Arabic, Chinese (Simplified and Traditional), Somali, Spanish, Tamil and Urdu, and is available online at the Ministry of the Attorney General website at www.attorneygeneral.jus.gov.on.ca/english/family/famlawbro.asp.

The Centres also have an on-site Advice Lawyer from Legal Aid who, at designated hours, can provide summary legal advice. Please contact your local court for details of available services. See the listing of FLIC offices throughout Ontario at www.attorneygeneral.jus.gov.on.ca/english/family/infoctr_locations.asp.

Family Law Education for Women

The Family Law Education for Women website, which can be found at www.onefamilylaw.ca is a public legal education project funded by the government of Ontario to assist women in understanding their family law rights. The website provides a variety of online publications dedicated to family law issues. The materials can also be ordered either online, or by telephone. To order by phone, call the Service Ontario Contact Centre at 416-326-5300 (Toronto) or 1-800-668-9938 (free across Canada).

CLEONet

CLEONet is an online resource project dedicated to providing legal information intended to help in understanding legal rights. The handbook entitled, "Do You Know a Woman Who Is Being Abused? A Legal Rights Handbook" provides information on many of the legal issues faced by abused women, and includes information on preparing to leave a violent relationship, the criminal process, protection orders, and legal and community resources in Ontario. The handbook is available online in both English and French at:

- www.cleo.on.ca/english/pub/onpub/PDF/criminal/handbook.pdf
- www.cleo.on.ca/francais/pubf/onpubf/PDFf/criminel/dykawfr.pdf

Copies of the handbook can be ordered by calling 416-408-4420, or visit the website at www.cleonet.ca

OWJN - Ontario Women's Justice Network

A project of METRAC, the Ontario Women's Justice Network, which can be found at www.owjn.org provides to women who have experienced domestic abuse information about the legal system in a manner that reflects the diverse realities they face.



Mixed Sources

Products group from well-managed
forests and other controlled sources
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